

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

United States of America,

Criminal No. 05-165 (1) (RHK/AJB)

Plaintiff,

ORDER

v.

Edward Moore,

Defendant.

On May 5, 2008, the Court denied Defendant's Motion for Modification of Sentence. Subsequently, appointed counsel for Defendant moved for reconsideration of the May 5th Order to allow "reasonable time to prepare briefs and advocate on behalf of" Defendant. The request was granted, the earlier Order vacated, and a schedule for further briefing established.

The Court has now reviewed the additional brief by Defendant and the Government's Response. That review satisfies the court that the Motion for Reduction of Sentence must be denied. Having been sentenced as a career offender, he does not qualify for a reduction of sentence under 18 U.S.C. § 3582(c)(2).

Accordingly, and upon all the files, records and proceedings herein, **IT IS ORDERED** that Defendant's Motion for Modification of Sentence (Doc. No. 61) is **DENIED**.

Dated: October 28, 2008

s/Richard H. Kyle

RICHARD H. KYLE
United States District Judge